

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

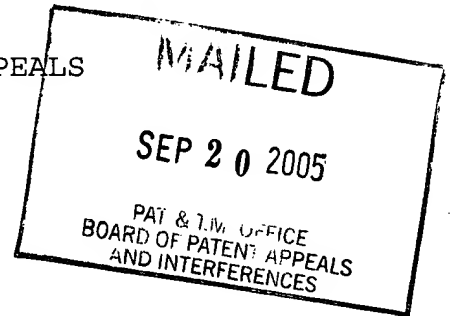
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEVIN H. NEWTON,
R. MICHAEL MCGRADY and
R. BARRIE SLAYMAKER JR.

Application No. 09/428,036

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received electronically at the Board of Patent Appeals and Interferences on August 2, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On December 22, 2000, an Information Disclosure Statement (IDS) was filed. The Examiner failed to properly consider the IDS according to MPEP § 609 which states:


" The Examiner must also full in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08B form."

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration of the Information Disclosure Statement filed December 22, 2000, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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